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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 ANDREW MICHAEL THOMAS,

12 Plaintiff,

13 v.

14 EVELYN THOMAS, et. al.,

15 Defendants.

16 CASE NO. C11-1418 MJP

17 ORDER GRANTING
18 DEFENDANTS' MOTION TO
19 DISMISS

20 This matter comes before the Court on Defendants' joint motion to dismiss (Dkt. No. 21).

21 Having reviewed the motion to dismiss, the joinders (Dkt. Nos. 24 and 25), the responses (Dkt. Nos. 27, 28, 29, and 30), and the reply (Dkt. No. 32), the Court GRANTS Defendants' motion to dismiss. The motion for relief from initial disclosures deadlines (Dkt. No. 31) is therefore moot.

22 **Background**

23 Vrlina Nozlic ("Nozlic") filed this Complaint on behalf of her brother Andrew Michael Thomas ("Thomas") in August 2011.

24 As alleged, Thomas is a homeless individual who has been discriminated against by Defendants. Defendants are thirteen individuals and entities, including Department of Social and

1 Health Services (“DSHS”) employees, King County mental health workers, Harborview social
2 workers, King County public defenders, and several non-profit directors. Thomas is suing for
3 Section 8 Housing, reinstatement of his disability status, restoration of his medical benefits, and
4 \$500,000 in emotional and financial damages.

5 Plaintiff’s Complaint is signed by Nozlic in her capacity as “POA pro se / Rep Payee /
6 ADA advocate.” (Compl. at 8.) Nozlic is not an attorney and resides in Littleton, Colorado.
7 (Dkt. No. 1 at 4.) A couple of weeks prior to filing this action, Nozlic also filed a separate
8 complaint on behalf of Thomas. That complaint asserts various civil rights claims against the
9 Seattle Center. See Thomas v. Seattle Center, C11-1315 RAJ, Dkt. No. 6. In December 2011,
10 upon Plaintiff’s motion to serve the summons, Judge Jones ordered Nozlic to either retain an
11 attorney or Thomas to file a statement indicating he will represent himself in this matter.
12 Thomas v. Seattle Center, C11-1315 RAJ, Dkt. No. 8. Nozlic filed a motion for reconsideration
13 in January 2012; however, Judge Jones has not yet considered it. Thomas v. Seattle Center,
14 C11-1315 RAJ, Dkt. No. 9.

15 **Discussion**

16 While a non-attorney may appear pro se on their own behalf, a non-attorney litigant has
17 no authority to represent another person other than themselves. Johns v. County of San Diego,
18 114 F.3d 874, 876 (9th Cir. 1997). A power of attorney does not authorize a non-attorney to file
19 pro se legal documents on another’s behalf. See State v. Hunt, 75 Wn. App. 795, 803-04
20 (1994)(finding that power of attorney statutes do not allow lay persons to practice law).

21 Here, Nozlic is not an attorney. While she may have represented Thomas as an “ADA
22 Advocate” during administrative proceedings, Nozlic is not qualified to represent Thomas in a
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1 court of law. The power of attorney form signed by Thomas does not waive this bar to Nozlic's
2 representation. (Dkt. No. 1-5 at 2.)

3 The Court understands Nozlic's frustrations in obtaining representation for her brother.
4 However, the bar to non-attorneys representing another is well-founded. In order to ensure a
5 plaintiff's rights are fully and properly adjudicated, the Court requires the plaintiff bring the
6 claims himself or that a plaintiff obtain a lawyer who has been specially trained to represent the
7 interests of others. Otherwise, the Court cannot be sure Thomas's rights would be effectively
8 represented by Nozlic.

9 **Conclusion**

10 The Court GRANTS Defendants' motion to dismiss Thomas's claims without prejudice
11 because Nozlic lacks the legal capacity to represent Thomas. The Court ORDERS Nozlic to
12 either file a statement indicating she has retained an attorney to represent Thomas or Thomas
13 must file a statement indicating that he will represent himself in this matter. Either Nozlic or
14 Thomas's statement must be filed by March 29, 2012; otherwise, this action will be closed.

15 The motion for relief from initial disclosures deadlines (Dkt. No. 31) is therefore moot.

16 The clerk is ordered to provide copies of this order to all counsel.

17 Dated this 27th day of February, 2012.

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20 Marsha J. Pechman
United States District Judge
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